

BEFORE THE  
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA

In the Matter of the Accusation against: )

DAVID ALAN CRANE )  
6259 Cypress Avenue )  
Carmichael, CA 95608 )

Case No. 864-A

Civil Engineer License No. C 10464 )  
Structural Engineer License No. S 1072, )

Respondent. )  
\_\_\_\_\_ )

**DECISION**

The attached Stipulated Settlement and Disciplinary Order is hereby adopted by the Board for Professional Engineers and Land Surveyors as its Decision in the above-entitled matter.

This Decision shall become effective on June 10, 2010.

IT IS SO ORDERED May 5, 2010.

Original Signed

\_\_\_\_\_  
BOARD FOR PROFESSIONAL ENGINEERS  
AND LAND SURVEYORS  
Department of Consumer Affairs  
State of California

1 EDMUND G. BROWN JR.  
Attorney General of California  
2 FRANK H. PACOE  
Supervising Deputy Attorney General  
3 MICHAEL B. FRANKLIN  
Deputy Attorney General  
4 State Bar No. 136524  
455 Golden Gate Avenue, Suite 11000  
5 San Francisco, CA 94102-7004  
Telephone: (415) 703-5622  
6 Facsimile: (415) 703-5480  
*Attorneys for Complainant*

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8 **BEFORE THE**  
9 **BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS**  
10 **DEPARTMENT OF CONSUMER AFFAIRS**  
11 **STATE OF CALIFORNIA**

12 In the Matter of the Accusation Against:

13 **DAVID ALAN CRANE**  
14 5148 Cypress Avenue  
Carmichael, CA 95608,

15 **Civil Engineer License No. C 10464,**  
16 **Structural Engineer License No. S 1072,**

17 Respondent.

Case No. 864-A

OAH No. 2010010168

18 **STIPULATED SETTLEMENT AND**  
19 **DISCIPLINARY ORDER**

20 In the interest of a prompt and speedy settlement of this matter, consistent with the public  
21 interest and the responsibility of the Board for Professional Engineers and Land Surveyors of the  
22 Department of Consumer Affairs, the parties hereby agree to the following Stipulated Settlement  
23 and Disciplinary Order which will be submitted to the Board for approval and adoption as the  
24 final disposition of the Accusation.

25 PARTIES

26 1. David E. Brown (Complainant) is the Executive Officer of the Board for Professional  
27 Engineers and Land Surveyors. He brought this action solely in his official capacity and is  
28 represented in this matter by Edmund G. Brown Jr., Attorney General of the State of California,  
by Michael B. Franklin, Deputy Attorney General.

2. Respondent David Alan Crane (Respondent) is representing himself in this  
proceeding and has chosen not to exercise his right to be represented by counsel.

3. On or about September 18, 1956, the Board for Professional Engineers and Land Surveyors issued Civil Engineer License No. C 10464 to David Alan Crane (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 864-A and will expire on December 31, 2010, unless renewed.

4. On or about February 2, 1960, the Board for Professional Engineers and Land Surveyors issued Structural Engineer License No. S 1072 to David Alan Crane (Respondent). The Structural Engineer License was in full force and effect at all times relevant to the charges brought in Accusation No. 864-A and will expire on December 31, 2010, unless renewed.

## JURISDICTION

5. Accusation No. 864-A was filed before the Board for Professional Engineers and Land Surveyors (Board) , Department of Consumer Affairs, and is currently pending against Respondent. The Accusation and all other statutorily required documents were properly served on Respondent on December 9, 2009. Respondent timely filed his Notice of Defense contesting the Accusation. A copy of Accusation No. 864-A is attached as exhibit A and incorporated herein by reference.

## ADVISEMENT AND WAIVERS

6. Respondent has carefully read, and understands the charges and allegations in Accusation No. 864-A. Respondent has also carefully read, and understands the effects of this Stipulated Settlement and Disciplinary Order.

7. Respondent is fully aware of his legal rights in this matter, including the right to a hearing on the charges and allegations in the Accusation; the right to be represented by counsel at his own expense; the right to confront and cross-examine the witnesses against him; the right to present evidence and to testify on his own behalf; the right to the issuance of subpoenas to compel the attendance of witnesses and the production of documents; the right to reconsideration and court review of an adverse decision; and all other rights accorded by the California Administrative Procedure Act and other applicable laws.

8. Respondent voluntarily, knowingly, and intelligently waives and gives up each and every right set forth above.

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14. The parties understand and agree that facsimile copies of this Stipulated Settlement and Disciplinary Order, including facsimile signatures thereto, shall have the same force and effect as the originals.

15. This Stipulated Settlement and Disciplinary Order is intended by the parties to be an integrated writing representing the complete, final, and exclusive embodiment of their agreement. It supersedes any and all prior or contemporaneous agreements, understandings, discussions, negotiations, and commitments (written or oral). This Stipulated Settlement and Disciplinary Order may not be altered, amended, modified, supplemented, or otherwise changed except by a writing executed by an authorized representative of each of the parties.

16. In consideration of the foregoing admissions and stipulations, the parties agree that the Board may, without further notice or formal proceeding, issue and enter the following Disciplinary Order:

## DISCIPLINARY ORDER

IT IS HEREBY ORDERED that Civil Engineer License No. C 10464 and Structural Engineer License No. S 1072 issued to Respondent David Alan Crane (Respondent) are revoked. However, the revocation is stayed and Respondent is placed on probation for three (3) years on the following terms and conditions.

1. **Obey All Laws.** The Respondent shall obey all laws and regulations related to the practices of professional engineering and professional land surveying.

2. **Submit Reports.** The Respondent shall submit such special reports as the Board may require.

3. **Tolling of Probation.** The period of probation shall be tolled during the time the Respondent is practicing exclusively outside the state of California. If, during the period of probation, the Respondent practices exclusively outside the state of California, the Respondent shall immediately notify the Board in writing.

4. **Violation of Probation.** If the Respondent violates the probationary conditions in any respect, the Board, after giving the Respondent notice and the opportunity to be heard, may vacate the stay and reinstate the disciplinary order which was stayed. If, during the period of

1 probation, an accusation or petition to vacate stay is filed against the Respondent, or if the matter  
2 has been submitted to the Office of the Attorney General for the filing of such, the Board shall  
3 have continuing jurisdiction until all matters are final, and the period of probation shall be  
4 extended until all matters are final.

5       **5. Completion of Probation.** Upon successful completion of all of the probationary  
6 conditions and the expiration of the period of probation, the Respondent's license shall be  
7 unconditionally restored.

8       **6. Cost Recovery.** The Respondent is hereby ordered to reimburse the Board the  
9 amount of \$2,692.50 within two and one-half (2 1/2) years from the effective date of this decision  
10 for its investigative and prosecution costs. Reimbursement may be paid in installments. Failure  
11 to reimburse the Board's cost of its investigation and prosecution shall constitute a violation of  
12 the probation order, unless the Board agrees in writing to payment by an installment plan because  
13 of financial hardship.

14       **7. Examination.** Within 60 days of the effective date of the decision, the Respondent  
15 shall successfully complete and pass the California Laws and Board Rules examination, as  
16 administered by the Board.

17       **8. Ethics Course.** Within two and one-half (2 1/2) years from the effective date of this  
18 decision, Respondent shall successfully complete and pass a course in professional ethics,  
19 approved in advance by the Board or its designee.

20       **9. Notification.** Within 30 days of the effective date of the decision, the Respondent  
21 shall provide the Board with evidence that he has provided all persons or entities with whom he  
22 has a contractual or employment relationship such that the relationship is in the area of practice of  
23 professional engineering and/or professional land surveying in which the violation occurred with  
24 a copy of the decision and order of the Board and shall provide the Board with the name and  
25 business address of each person or entity required to be so notified. During the period of  
26 probation, the Respondent may be required to provide the same notification of each new person  
27 or entity with whom he has a contractual or employment relationship such that the relationship is  
28 in the area of practice of professional engineering and/or land surveying in which the violation

1 occurred and shall report to the Board the name and address of each person or entity so notified.

2       10. **Take And Pass College-level Courses.** Within two and one-half (2 1/2) years from  
3 the effective date of this decision, Respondent shall successfully complete and pass, with a grade  
4 of "C" or better, two (2) college-level courses, approved in advance by the Board or its designee.  
5 Such courses shall be specifically related to the area of violation. For purposes of this subdivision,  
6 "college-level course" shall mean a course offered by a community college or a four-year  
7 university of three semester units or the equivalent; "college-level course" does not include  
8 seminars.

9  
10 ACCEPTANCE

11 I have carefully read the Stipulated Settlement and Disciplinary Order. I understand the  
12 stipulation and the effect it will have on my Civil Engineer License, and Structural Engineer  
13 License. I enter into this Stipulated Settlement and Disciplinary Order voluntarily, knowingly,  
14 and intelligently, and agree to be bound by the Decision and Order of the Board for Professional  
15 Engineers and Land Surveyors.

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18 DATED: March 26, 2010 - Original Signed  
19 DAVID ALAN CRANE  
20 Respondent  
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ENDORSEMENT

The foregoing Stipulated Settlement and Disciplinary Order is hereby respectfully submitted for consideration by the Board for Professional Engineers and Land Surveyors of the Department of Consumer Affairs.

Dated: 4/6/10

Respectfully Submitted,

EDMUND G. BROWN JR.  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General

*Original Signed*  
MICHAEL B. FRANKLIN  
Deputy Attorney General  
*Attorneys for Complainant*

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**Exhibit A**

**Accusation No. 864-A**

EDMUND G. BROWN JR.  
Attorney General of California  
FRANK H. PACOE  
Supervising Deputy Attorney General  
MICHAEL B. FRANKLIN  
Deputy Attorney General  
State Bar No. 136524  
455 Golden Gate Avenue, Suite 11000  
San Francisco, CA 94102-7004  
Telephone: (415) 703-5622  
Facsimile: (415) 703-5480

*Attorneys for Complainant*

**BEFORE THE  
BOARD FOR PROFESSIONAL ENGINEERS AND LAND SURVEYORS  
DEPARTMENT OF CONSUMER AFFAIRS  
STATE OF CALIFORNIA**

In the Matter of the Accusation Against:

**DAVID ALAN CRANE**  
5148 Cypress Avenue  
Carmichael, CA 95608,

**Civil Engineer License No. C 10464**  
**Structural Engineer License No. S 1072,**

Respondent.

Case No. 864-A

**A C C U S A T I O N**

Complainant alleges:

**PARTIES**

1. David Brown (Complainant) brings this Accusation solely in his official capacity as the Executive Officer of the Board for Professional Engineers and Land Surveyors, Department of Consumer Affairs.

2. On or about September 18, 1956, the Board for Professional Engineers and Land Surveyors issued Civil Engineer License Number C 10464 to David Alan Crane (Respondent). The Civil Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2010, unless renewed.

///

3. On or about February 2, 1960, the Board for Professional Engineers and Land Surveyors issued Structural Engineer License Number S 1072 to David Alan Crane (Respondent). The Structural Engineer License was in full force and effect at all times relevant to the charges brought herein and will expire on December 31, 2010, unless renewed.

## JURISDICTION

4. This Accusation is brought before the Board for Professional Engineers and Land Surveyors (Board), Department of Consumer Affairs, under the authority of the following laws. All section references are to the Business and Professions Code unless otherwise indicated.

5. Section 6775 of the Code states, in pertinent part, that "[T]he board may reprove, suspend for a period not to exceed two years, or revoke the certificate of any professional engineer registered under this chapter:

• • •

"(c) Who has been found guilty by the board of negligence or incompetence in his or her practice.

• • • "

6. Section 125.3 of the Code provides, in pertinent part, that the Board may request the administrative law judge to direct a licensee found to have committed a violation or violations of the licensing act to pay a sum not to exceed the reasonable costs of the investigation and enforcement of the case.

**CAUSE FOR DISCIPLINE**

(Negligence and/or Incompetence)

7. Respondent designed a reinforced concrete foundation system for the support of a pre-engineered Star Building System open building arena, for Park Pacifica stables located at 650 Cape Breton Drive, Pacifica, California. On or about April 2, 2002, Respondent prepared a four-page calculation set and on April 8, 2002, a two-sheet drawing set as the engineer of record for JDC Associates.

8. Respondent is subject to disciplinary action under section 6775(c) in that Respondent did not meet the minimum standards of care required by the practice of professional engineering

1 and the Professional Engineers Act for the design calculations and drawings for the Park Pacifica  
2 stables project for three (3) separate items:

- 3 a. Respondent failed to specify vertical concrete pier reinforcement adequate for the  
4 theoretical maximum bending that would occur at one-third the depth of pier  
5 embedment resulting from the application of lateral design loads at the connection of  
6 the steel building columns to the concreted piers.
- 7 b. Respondent failed to specify minimum anchor bolt embedment depth into the concrete  
8 piers.
- 9 c. Respondent failed to consider that dead plus live design loads are considered normal  
10 duration loads for design purposes; whereas wind or seismic loads are considered short  
11 term duration loads for design purposes. As such, Respondent incorrectly used factors  
12 of 1.33 and 2.00 in the determination of the allowable lateral soil-bearing pressure.  
13 These incorrectly applied factors occur on sheets 2, 3, and 4 of Respondent's April 2,  
14 2002 structural calculations

15 PRAYER

16 WHEREFORE, Complainant requests that a hearing be held on the matters herein alleged,  
17 and that following the hearing, the Board for Professional Engineers and Land Surveyors issue a  
18 decision:

- 19 1. Revoking or suspending Civil Engineer License Number C 10464, issued to David  
20 Alan Crane;
- 21 2. Revoking or suspending Structural Engineer License Number S 1072, issued to David  
22 Alan Crane;

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1           3.    Ordering David Alan Crane to pay the Board for Professional Engineers and Land  
2 Surveyors the reasonable costs of the investigation and enforcement of this case, pursuant to  
3 Business and Professions Code section 125.3;

4           4.    Taking such other and further action as deemed necessary and proper.  
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7  
8 DATED: 11/25/09

Original Signed

DAVID BROWN

Executive Officer

Board for Professional Engineers and Land Surveyors

Department of Consumer Affairs

State of California

*Complainant*

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